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REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
2103.013900

In re Application of: JAMES J. BENEDICT et al.

Application No.: 09/748,038

Filed: December 22, 2000

For: METHOD OF PROMOTING NATURAL BYPASS

The owner\*, Zimmer Orthobiologics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,211,157. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record.

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Nov. 15, 2004

Signature

Date

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